IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5275 OF 2005
IN
CRIMINAL APPEAL NO.772 OF 2005
IN
SESSIONS CASE NO.809 OF 2001

1. Ram Avadh Hiralal Vishwakarma
2. Vikram Hiralal Vishwakarma ..Applicants

Vs.

State of Maharashtra ..Respondent

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Mr.K.M.Sangani Advocate for Applicants
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 30,2005

P.C.

1. Heard the learned advocate for the applicants and learned A.P.P. for State.

2. The applicants are seeking bail. The applicants have been convicted under Section 326 r.w. 34 of IPC and sentenced to R.I. for four years.

3. The learned advocate for the applicants has pointed out that the applicants were on bail

pending trial and they have not misused the liberty granted to them. This statement is not controverted by the prosecution. The learned advocate for the applicants has further submitted that sentence imposed on the applicants is only four years and the appeal preferred by the applicants is not likely to be heard and disposed of within the period of four years.

4. Mr.Sangani has submitted that two injured witnesses have been examined in the present case i.e. P.W.2 Shivbachan Chavan and P.W.3 Lalji Chavan. P.W.3 Lalji Chavan was assaulted with sword and P.W.2 Shivbachan was assaulted by iron rod. Though the Doctor has mentioned about the injuries on these two persons, the Doctor has not mentioned about any fracture nor has he stated that injuries were grievous or serious in nature. Mr.Sangani submitted that from the evidence on record, the case would not fall under Section 326 of IPC. On perusal of the evidence, I find much merit in this submission, hence, I am inclined to grant bail to the applicants.

5. Each of the applicants i.e. Ram Avadh Hiralal Vishwakarma and Vikram Hiralal Vishwakarma to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up that amount. The applicants shall report at Kandivali Police Station once in a fortnight during the pendency of appeal.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]